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U.S. Department of Justice

United States Attorney
Eastern District of New York

FILED

SDD:DMP

IN CLERK'S OFFICE 271 Cadman Plaza East
U.S. DISTRICT COURT E.D.N.Y. Brooklyn, New York 11201

★ AUG 19 2014 ★

August 15, 2014

BROOKLYN OFFICE

By ECF

The Honorable Allyne R. Ross
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Application granted!

So ordered.

s/Allyne R. Ross

JSR

8/18/14

Re: United States v. Amaury Rosario
Criminal Docket No. 99-533 (ARR) ✓
Civil Docket No. 12-3432 (ARR)

Dear Judge Ross:

The government respectfully submits this letter to request jointly on behalf of the parties that the re-sentencing in the above-referenced case be adjourned from September 3, 2014 to a date in early 2015.

In 1999, Rosario was convicted, following a jury trial, of four counts of firearms-related murder, in violation of Title 18, United States Code, Section 924(j)(1), as well as other counts. In 2001, the Court sentenced Rosario to four counts of life imprisonment for the murder convictions. On April 8, 2014, the Court vacated that sentence pursuant to the retroactive application of Miller v. Alabama, 132 S. Ct. 2455 (2012), which held unconstitutional a mandatory life term imposed on a person who was a juvenile at the time of the crime.

The Court scheduled Rosario's re-sentencing for September 3, 2014. (See Docket No. 13, Case No. 12-CV-3432). On April 3, 2014, the defendant advised the Court that it was seeking prison records, educational records, medical records and court records in order to present mitigation evidence to the Court at the time of re-sentencing. (See Docket No. 54, Case No. 99-CR-533). Among the subpoenas that the defendant served was a request to the Federal Bureau of Prisons ("BOP") for all of the defendant's prison records. The government has received those prison records from the BOP and is in the process of reviewing and producing those records. We expect to disclose those records to the defendant around the beginning of September.

I have discussed with Lisa Hoyes, Esq., a realistic timetable for a sentencing hearing. Given the additional work that needs to be completed by both parties prior to the time of re-sentencing, we jointly request that the sentencing date be adjourned to a date in early 2015.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
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Assistant U.S. Attorney
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cc: Clerk of Court (ARR) (by ECF)
Lisa Hoyes, Esq., counsel for the defendant (by ECF)